

REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims are not anticipated under 35 U.S.C. § 102. Accordingly, it is believed that this application is in condition for allowance. If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.

The applicants will now address each of the issues raised in the outstanding Office Action.

Objections

The Examiner objected to the specification, citing MPEP 608.01(r). The specification has been amended accordingly. Therefore, the applicants respectfully request that the Examiner reconsider and withdraw this objection.

Rejections under 35 U.S.C. § 102

Claims 1-54 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent Application Publication No. 2004/0103024 ("the Patel publication"). The applicants respectfully request that the Examiner

reconsider and withdraw this ground of rejection in view of the following.

The Patel publication discusses problems with the cost per action (CPA) advertising model, and espouses a inverted CPA model. Specifically, the Patel publication states:

In the inverted CPA model, the present invention inverts the traditional roles of buyer and seller. In the CPM and CPA models, price negotiation begins with publishers. In the inverted CPA model, it begins with advertisers. Advertisers create offers comprised of the creative and the price they are willing to pay for any action that may result. These offers are listed on the exchange system. Publishers review these offers and select the ones that are most appropriate. Thus, the commodity that is bought and sold on the exchange system is really a promise by the advertiser to pay for the actions resulting from a publisher placing the ad on their site.

Paragraph [0038]. Like many online advertising systems, the Patel patent tracks selections (e.g., clicks), and/or conversions. (See, e.g., paragraph [0104].) Publishers can drop ads that have performed poorly. (See, e.g., paragraph [0141].)

The applicants believe that the claims were improperly rejected due to a confusion of "ad creatives" and "ad landing pages". Regarding "ad landing pages", the present application states:

Online ads, such as those used in the exemplary systems described above with reference to Figures 1-3, or any other system, may have various intrinsic features. Such features may be specified by an application and/or an advertiser. These features are referred to as "ad features" below. For example, in the case of a text ad, ad features may include a title line, ad text, and **an embedded link**. In the case of an image ad, ad features may include images, executable code, and an **embedded link**. Depending on the type of online ad, ad features may include one or more of the following: text, a link, an audio file, a video file, an image file, executable code, embedded information, etc. Ad features may include characteristics of the foregoing, such as a text font style (e.g., font type, size, color, etc.) **The embedded link may be a link to a landing page associated with the ad such that when a user selects the ad, the landing page is rendered to the user. This may be thought of as the user being "brought to" the landing page.** [Emphasis added.]

Page 13, lines 3-16. On the other hand, the present application describes "creatives" as the "ad content that is ultimately rendered to an end user". Page 11, lines 4 and 5. Thus, the present application defines an "ad landing page" differently than an "ad creative" (and this difference is appreciated by those skilled in the art). The fact that these terms are different is illustrated by the specification, which states:

For example, if an ad is to be served (and the ad has more than one landing page), the landing page to be used is

selected. (Block 520) The ad is then assembled. (Block 522) For example, the assembled ad may include an ad creative and a link to the selected landing page. The assembled ad is then served. [Emphasis added.]

Page 17, lines 10-14.

The claimed invention is not anticipated by the Patel patent because the Patel patent does not teach selecting one of a number of different ad landing pages for an ad, and tracking ad performance on the basis of the ad landing page. The Examiner cites paragraphs [0038] and [0051] of the Patel publication as teaching such selecting one of a plurality of ad landing pages for an ad, and cites paragraph [0104] of the Patel publication as teaching tracking a performance of the ad on a per ad landing page basis. The applicants respectfully disagree.

Paragraph [0038] of the Patel publication discusses publisher review and selection of ad "offers", each offer being comprised of the ad creative and the price the advertiser is willing to pay for an action. None of this concerns selecting one of a number of different ad landing pages for a given ad. Although different ads might have different landing pages, and therefore the publisher's selection of different ads might effectively select different landing pages, this is not the same as selecting one of a plurality of candidate ad landing pages for an ad to be served. Although paragraph [0051] does note that advertisers can test different creatives, as demonstrated above, "creatives" are not "ad landing pages." Finally, although paragraph [0104] discusses

tracking clicks and/or conversions, such tracking is not taught on a per ad landing page basis.

Independent claims 1 and 28 are not anticipated by the Patel publication because the Patel publication does not teach acts of (or means for) selecting one of a plurality of candidate ad landing pages for an ad to be served, and tracking, on a per ad landing page basis, a performance of the ad as demonstrated above. Although paragraphs [0186] and [0187] of the Patel publication discuss testing different parameters such as ad creatives, this does not teach selecting and tracking performance of different ad landing pages for a given ad. Thus, independent claims 1 and 28 are not anticipated by the Patel publication for at least this reason. Since claims 2-12 and 29-39 depend from claims 1 and 28, respectively, these claims are similarly not anticipated by the Patel publication.

Independent claims 13 (amended), 16 (amended), 19, 40 (amended), 43 (amended) and 46 are not anticipated by the Patel publication for similar reasons. Since claims 14 and 15 depend from claim 13, claims 17 and 18 depend from claim 16, claim 20 depends from claim 19, claims 41 and 42 depend from claim 40, claims 44 and 45 depend from claim 43, and claim 47 depends from claim 46, these claims are similarly not anticipated by the Patel publication.

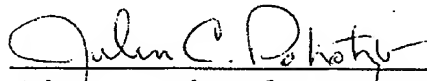
Since claims 21-27 and 48-54 have been canceled, this ground of rejection is rendered moot with respect to these claims.

Conclusion

In view of the foregoing amendments and remarks, the applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Respectfully submitted,

November 27, 2006



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